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## **REMARKS**

### **Introduction**

Claims 1-4, 6, 8-11 and 13-25 are pending in the present application. In a prior response, Applicant cancelled Claims 5, 7, and 12 without prejudice. Following entry of this these remarks, Claims 1-4, 6, 8-11 and 13-25 are still pending. A Petition for One Month Extension of Time and fee are concurrently filed with this response. Applicant submits that these claims are entitled to further examination. Applicant respectfully requests reconsideration of the present application in view of the following remarks.

### **The Office Action**

Claim 1 was rejected under 35 U.S.C. §103(a) as being obvious and unpatentable over the patent to *Morris* (U.S. Patent No. 4,715,090) in view of DE 1584006. Claims 2-4, 6, 8-11, and 13-25 were objected to as being dependent upon a rejected base claim. Applicant respectfully traverses the rejection under 35 U.S.C. §103(a).

### **Rejection Under 35 U.S.C. § 103**

Claim 1 was rejected under 35 U.S.C. §103(a) as being obvious and unpatentable over the patent to *Morris* in view of DE '006. The Applicant respectfully disagrees.

In particular, the Office Action states that "[a] change in form or shape is generally recognized as being within the level of ordinary skill in the art, absent any showing of unexpected results" and cites *In re Dailey*, 149 USPQ 47." See Page 3, paragraph 3. *In re Dailey* concerned the configuration of a claimed disposable plastic nursing container, and the Court held that the configuration of the claimed disposable plastic nursing container was a matter of choice which a person of ordinary skill in the art would have found obvious absent persuasive

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evidence that the particular configuration of the claimed container was significant. *See* M.P.E.P. 2144.04 (IV)(B).

In this case, the particular configuration of the Applicant's claimed hinge assembly is significant. The Applicant's hinge assembly includes a hinge pin that is immovably mounted in a hinge leaf by an engagement means, which prevents any axial movement of a hinge pin relative to the other hinge leaf. In contrast, both of the cited references include hinge pins that allow axial movement of the hinge pin relative to the other hinge leaf. Neither reference, either alone or in combination with each other, suggests an engagement means that can prevent any axial movement of a hinge pin relative to the other hinge leaf.

In particular, *Morris* relates to the use of a pair of bushes (5) to rotatably secure a hinge pin (3) in a first hinge leaf (1), and then the use of a locking screw (22) to lock the hinge pin (3) into a second hinge leaf (14) so as to render the hinge pin completely immovable relative to the second hinge leaf (14). As a consequence, movement of one hinge leaf relative to the other is only possible by virtue of the first hinge leaf (1) rotating via the bushes (5) relative to the hinge pin (3).

However, the inclusion of a pair of bushes (5) introduces free play into the hinge arrangement, and allows axial movement between the first hinge leaf (1) and the hinge pin (3). This, in turn, allows relative axial movement between the first and second hinge leaves (1, 14).

As explained above, this contrasts with the hinge assembly of the Applicant's claimed invention in which a hinge pin is immovably mounted in one hinge leaf, and an engagement means retains the hinge pin within another hinge leaf. The engagement means prevents any axial movement between the hinge pin and the other hinge leaf, while allowing

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rotational movement of the hinge pin relative to the other hinge leaf. This obviates the need to provide bushes or other bearing means to allow for relative rotation of the hinge leaves, and so prevents the introduction of free play into the hinge arrangement which would allow relative axial movement between one hinge leaf and the other hinge leaf.

DE 1584006 does not mention or suggest retaining a hinge pin so as to prevent any axial movement of the hinge pin relative to a hinge leaf, while allowing rotational movement of the hinge pin in order to permit rotational movement of one leaf relative to another. As indicated by the Abstract of DE 1584006, "[t]he sloping stop faces [of the hinge pin] allow ratchet movement of the ball." This illustrates that the hinge pin of DE 1584006 can be moved axially relative to the hinge leaf and ball when sufficient force is applied to the hinge pin.

Therefore, a skilled worker could not combine the teachings of *Morris* and DE 1584006 to arrive at the Applicant's claimed invention.

In view of the foregoing, it is respectfully submitted that Claim 1 is not obvious over *Morris* in view of DE 1584006. Accordingly, withdrawal of the rejection of Claim 1 under 35 U.S.C. §103(a) is respectfully requested.

**Allowable Subject Matter**

Claims 2-4, 6, 8-11, and 13-25 were objected to as being dependent upon a rejected base claim. However, the rejection states that those claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

In view of the arguments set forth above, applicant submits that Claim 1 is allowable. Therefore, amendment of Claims 2-4, 6, 8-11, and 13-25 is not necessary.

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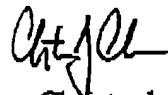
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**Conclusion**

Applicant respectfully requests reconsideration of the present application in view of the foregoing remarks. Such action is courteously solicited. Applicant further requests that the Examiner call the undersigned attorney if allowance of the claims can be facilitated by examiner's amendment, telephone interview or otherwise.

No additional fees are believed due; however, the Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 11-0855.

Respectfully submitted,



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